

METROPOLITAN AREA PLANNING COMMISSION

MINUTES

November 7, 2002

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission was held on Thursday, November 7, 2002, at 1:30 P.M., in the Planning Department Conference Room, 10th floor, City Hall, 455 North Main, Wichita Kansas. The following members were present: Bud Hentzen, Chair; Kerry Coulter, Vice-Chair; Jerry Michaelis; Ron Marnell; Bill Johnson; Harold Warner; Frank Garofalo; Ray Warren; James Barfield (late arrival); David Wells, Elizabeth Bishop and John McKay, Jr. Don Anderson and Dorman Blake were not present. Staff members present were: Dale Miller, Secretary; Donna Goltry, Assistant Secretary; Neil Strahl, Senior Planner; Bill Longnecker, Senior Planner; Scott Knebel, Senior Planner; Jess McNeely Associate Planner; Jamsheed Mehta, Transportation Supervisor; and Rose Simmering, Recording Secretary.

1. Approval of MAPC meeting minutes October 24, 2002.

MOTION: That the minutes for October 24, 2002 be approved.

JOHNSON moved, **COULTER** seconded the motion, and it carried (11-0) Warren temporarily out.

2. Approval of MAPC 2003 Yearly Calendar.

MOTION: That the minutes for October 24, 2002 be approved.

MCKAY moved, **WARNER** seconded the motion, and it carried (11-0) Warren temporarily out.

Barfield in at 1:32 p.m.

3. Consideration of Subdivision Committee Recommendations

3-1. SUB2002-00099 – Final Portion of Overall Preliminary Plat – WILSON ESTATES MEDICAL PARK ADDITION, located south of 21st Street North, on the west side of Webb Road.

- A. The applicant shall guarantee the extension of sanitary sewer and City water to serve the lots being platted.
- B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- C. **City Engineering** needs to comment on the status of the applicant's drainage plan. **The drainage plan is approved. A guarantee is required. A cross-lot drainage agreement is also needed.**
- D. **Traffic Engineering** has requested that the following street improvements shall be guaranteed:
 - 1. Extension of a left-turn lane to serve the northbound left movements at Webb Road and Wilson Estates Parkway, and construction of a contingent northbound left-turn lane on Webb Road to serve the proposed southern driveway.
 - 2. Provide a third lane on Wilson Estates Parkway between the first entrance and Webb, said lane being designed for dual eastbound lanes onto Webb at the intersection and transitioning to dual westbound lanes (one left-turn only, one through) at the first entrance to the medical office park. A medial strip shall be designed to align the lane configurations.
 - 3. Signalize the intersection of Wilson Estates Parkway and Webb Road.
 - 4. Prohibit left-turns onto Wilson Estates Parkway from the eastern entrance by use of a directional raised medial in the private drive entrance.
- E. The plat shall denote the right-of-way width of Wilson Estates Parkway.
- F. A covenant shall be submitted regarding Reserve A, platted for private drive purposes, which sets forth ownership and maintenance of the private drive, and future reversionary rights of the reserve to the lots benefiting from the reserve. The plat's text shall reference the platting of the reserve for private drive purposes and shall state which specific lots are to be accessed by the reserve.
- G. Provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall either form

a lot owners' association prior to recording the plat or shall submit a covenant stating when the association will be formed, when the reserves will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities.

- H. For those reserves being platted for drainage purposes, the required covenant which provides for ownership and maintenance of the reserves shall grant, to the City, the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.
- I. A note shall be placed on the final plat, indicating that this Addition is subject to the conditions of the Wilson Estates Medical Park Community Unit Plan (CUP2002-10, DP-260).
- J. The applicant shall submit an avigational easement covering all of the subject plat and a restrictive covenant assuring that adequate construction methods will be used to minimize the effects of noise pollution in the habitable structures constructed on subject property.
- K. A CUP Certificate shall be submitted to MAPD prior to City Council consideration, identifying the approved CUP and its special conditions for development on this property.
- L. **The perimeters of the proposed lots shall match the perimeters of the CUP parcel boundaries. A CUP adjustment will need to be approved prior to MAPC approval of the plat.**
- M. The final plat tracing shall include all the necessary certifications.
- N. On the final plat tracing, the MAPC signature block needs to reference "Michael E. Lindebak, Secretary".
- O. On the final plat Tracing, the MAPC signature block needs to reference "Bernard A. Hentzen, Chair".
- P. The applicant shall submit a copy of the instrument which establishes the pipeline easements on the property, which verifies that the easements shown are sufficient and that utilities may be located adjacent to and within the easements. Any relocation, lowering or encasement of the pipeline, required by this development, will not be at the expense of the City.
- Q. The applicant's agent shall determine any setback requirements for the pipelines by researching the text of the pipeline agreements. If a setback from the pipeline easements is provided for in the pipeline easement agreements, it shall be indicated on the face of the plat.
- R. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- S. The platlor's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights -of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- T. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- U. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- V. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- W. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- X. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.
- Y. Perimeter closure computations shall be submitted with the final plat tracing.
- Z. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- AA. The representatives from the **utility companies** should be prepared to comment on the need for any additional utility easements to be platted on this property.
- BB. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD. This will be used by the City and County GIS Department.

MOTION: To approve, subject to staff comments and citing the findings in their report.

WARNER moved, **BISHOP** seconded the motion, and it carried (12-0).

3-2. SUB2002-00091– Final Plat – EVERGREEN THIRD ADDITION, located north of 21st Street, west of Maize Road.

- A. **City Engineering** has requested new petitions for water, sewer and paving improvements. A respread agreement is also needed due to the lot reconfiguration.
- B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- C. **City Engineering** needs to comment on the status of the applicant's drainage plan. **The drainage plan is approved.**
- D. Since this is a replat of a previous Addition involved with the ownership and maintenance of reserves for that Addition, but not being replatted by this Addition, covenants and/or other legal documents shall be provided which provides for this Addition to continue to share in the ownership and maintenance responsibilities of any such previously platted reserves.
- E. The plat needs to denote the right-of-way width of Greenspoint and Parkdale.
- F. The third paragraph of the surveyor's text which states "Evergreen 3rd" needs to be revised to reference "Evergreen".
- G. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- H. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- I. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- J. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- K. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- L. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- M. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.
- N. Perimeter closure computations shall be submitted with the final plat tracing.
- O. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- P. The representatives from the **utility companies** should be prepared to comment on the need for any additional utility easements to be platted on this property.
- Q. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD. This will be used by the City and County GIS Department.

MOTION: To approve, subject to staff comments and citing the findings in their report.

WARNER moved, **BISHOP** seconded the motion, and it carried (12-0).

3-3. SUB2002-00110 – One-Step Final Plat – CORNEJO EAST ADDITION, located north of Central, on the east side of Webb Road.

- A. The applicant shall guarantee the extension of sanitary sewer to serve the lots being platted.
- B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- C. **City Engineering** needs to comment on the status of the applicant's drainage plan. **City Engineering has required on-site detention or a cross-lot drainage agreement.**
- D. **Traffic Engineering** needs to comment on the access controls. The plat proposes one access opening along Webb Road. The final plat shall reference the dedication of access controls in the plat's text. **Traffic Engineering requests the dedication of access control along Webb Road, except for one opening within the north 15 feet of the property.**
- E. **Traffic Engineering** needs to comment on the need for additional right-of-way along Chamberlain in accordance with the 70-ft commercial street standard. **An additional 5-ft right-of-way is requested.**
- F. The applicant shall guarantee the closure of any driveway openings located in areas of complete access control or that exceed the number of allowed openings.
- G. **Traffic Engineering** has requested the Applicant to guarantee the paving of Chamberlain abutting the property to the business/industrial street standard.
- H. The applicant shall submit an avigational easement covering all of the subject plat and a restrictive covenant assuring that adequate construction methods will be used to minimize the effects of noise pollution in the habitable structures constructed on subject property.
- I. The Applicant is advised that if platted, the building setbacks may be reduced to 20 feet.
- J. The owners noted in the platting binder need to be signatories to the plat, or a revision to the binder showing that the site's ownership is only in the party now shown on the final plat.
- K. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- L. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- M. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- N. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- O. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- P. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.
- Q. Perimeter closure computations shall be submitted with the final plat tracing.
- R. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- S. The representatives from the **utility companies** should be prepared to comment on the need for any additional utility easements to be platted on this property.
- T. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD. This will be used by the City and County GIS Department.

MOTION: To approve, subject to staff comments and citing the findings in their report.

WARNER moved, **BISHOP** seconded the motion, and it carried (12-0).

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- 3-4. **SUB2002-00109 – One-Step Final Plat – IRONHORSE AT OXFORD ADDITION, located on the west side of Woodlawn Boulevard, south of 29th Street North.**

- A. The applicant shall guarantee the extension of sanitary sewer and City water to serve the lots being platted.
- B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- C. **City Engineering** needs to comment on the status of the applicant's drainage plan. **The drainage plan is approved.**
- D. The Applicant shall guarantee the paving of the proposed streets.
- E. The use of Reserve A for utilities located within platted easements should be referenced in the plat's text.
- F. **Traffic Engineering** has requested that the street opening for Ironhorse be relocated southward to be in alignment with the opening across Woodlawn.
- G. MAPD recommends a pedestrian access connection extending to the school property to the north. **The site plan for the school property shall be reviewed prior to the MAPC meeting to determine compatibility with a pedestrian connection through a platted reserve.**
- H. **Traffic Engineering** needs to comment on the need for any improvements to perimeter streets. **A guarantee for a left turn lane is needed.**
- I. **Traffic Engineering** has requested the dedication of additional right-of-way along Woodlawn to conform with the 60-ft half-street right-of-way required by the Access Management Policy.
- J. Provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall either form a lot owners' association prior to recording the plat or shall submit a covenant stating when the association will be formed, when the reserves will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities.
- K. For those reserves being platted for drainage purposes, the required covenant which provides for ownership and maintenance of the reserves shall grant, to the City, the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.
- L. The wall easement shall be referenced in the plat's text.
- M. The Applicant has platted 20-ft building setbacks which represents an adjustment of the Zoning Code standard of 25 feet for the TF-3, Two-Family District. The Subdivision Regulations permit the setback provisions to be modified by the plat upon the approval of the Planning Commission.
- N. The **City Fire Department/GIS** needs to comment on the plat's street names. **The street names are approved.**
- O. The sewer easements (Film 145, Page 104) and (Film 45, Page 116) need to be located.
- P. The centerline of Ironhorse needs to be located along Woodlawn.
- Q. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- R. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights -of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- S. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- T. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- U. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- V. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- W. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management

practices be used to reduce pollutant loadings in storm water runoffs.

- X. Perimeter closure computations shall be submitted with the final plat tracing.
- Y. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- Z. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property. **Westar Energy and Southwestern Bell have requested additional easements.**
- AA. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD. This will be used by the City and County GIS Department.

NEIL STRAHL, Planning Staff presented the staff report, noting that there was a need for a pedestrian connection to the school site located to the north. Staff recommends approval of the plat.

MCKAY With a reserve, they can put a fence and block off access? With an easement they can put up a fence as well?

STRAHL Language in the plat's text would require no obstructions or impediments to access.

WARREN Access easement means that homeowners could not use it, but they are responsible for the upkeep. I think the school should take title to the reserve, and let them take care of it. I support a reserve.

BISHOP The easement, if fenced off, who would enforce having it opened?

STRAHL That would be a platting condition, probably OCI would enforce that.

BISHOP The Homeowners Association could have responsibility to the common area.

MCKAY With a sidewalk easement that can go right up to it, but they can't go into it.

MICHAELIS Is this something that we really need? This will cause a problem for the homeowners. Why cause problems so that we can come back a year or two from now and undo what we do today?

MICHAELIS The Coleman School is the same thing. We did the same thing.

WARNER Is there a liability factor for the homeowners? If someone fell, who would they sue? I think we should have a reserve, not an easement.

WARREN I would like to hear from the school. If this were made a reserve, would you be interested to take title of the reserve?

JOE HOOVER, USD 269, The school board would have to decide. I assume they would, but I can't say for sure. They would have to vote on it, but my staff will support the reserve.

HOOVER We want that access there. Planning brought this up, we didn't. The Board of Education may down the road want to sell the land.

MCKAY Between the subdivision and the school, you are going to keep that land?

HOOVER Yes.

WARREN You might sell the land?

HOOVER Yes.

WARREN North of this addition?

HOOVER Land towards Woodlawn.

BISHOP The site plan shows access off of Woodlawn ...is that intended just for egress and exit for the parking lot or where would the bus lanes be unloading?

HOOVER (Shows on the map)

BISHOP The hash marks are bus loading?

WARREN Where is Woodlawn? The development to the south?

BISHOP The sidewalk would extend south. This would be an elementary school, and the young children would not have to deal with Woodlawn which is an extremely busy street. They could use the subdivision access to walk to school. The area that is shown as open space, is that a soccer field? Or park?

HOOVER Perhaps it will be used for a practice field.

WARNER The school has property between the subdivision and the school. Is that the land the school may sell?

HOOVER (He shows on the map). I don't believe that we would sell to the west of this.

WARNER It wouldn't make sense if some other owner might buy the property.

HOOVER We could transfer it.

GAROFALO Neil, this plat is going to be where? Extend where to where?

STRAHL The easement would be about right here and there.

GREG ALLISON, MKEC (Shows on the map the location of plat) We talked last week, and we prefer not to do the access easement. We felt like the adjacent owners would be the ones that could maintain it. I understand if you prefer a reserve, that is fine but the developer wants an easement.

MICHAELIS Would it make sense to extend the sidewalk to the property line to the easement to provide an access up there instead of between two houses.

ALLISON There is already a sidewalk on Woodlawn. We plan on putting a sidewalk in the subdivision. We said we could go ahead and do it after the subdivision hearing last week.

WARREN How wide is the easement?

ALLISON The easement is 10 foot wide centered on the property line; 5 foot on either side of a 5 foot sidewalk.

WARREN I can't see the homeowner taking care of the area outside of his fence. But you are looking at 10 foot?

ALLISON Yes, 10 foot. We felt it would be maintained better by the adjacent property owners, and not the homeowners association.

MCKAY If the responsibility is going on the developer, it would be nice to say that we also need the school board to have a connecting sidewalk. I know we can't do this, but I am saying it would be nice if the school board should have to make the connection to make it work.

BISHOP I agree with Mr. McKay. I think we need to ask Mr. Hoover whether it would be likely if the school would support the connection process. Is that possible, Mr. Hoover, to pave that?

HOOVER I believe so.

HENTZEN I am hoping for a motion.

JOHNSON Dale, is there a way to make this just an easement, knowing the access, if the school goes up and doesn't do what they need to do?

MILLER You could do it as a contingent sidewalk easement.

MOTION: To approve with a contingent sidewalk easement to be done in 2 years.

MICHAELIS What would happen if this were contingent, and these property owners put their fence right down the middle?

MCKAY Should there be a deed restrictions?

JOHNSON The school should get that in there now.

MARNELL Maybe there is something we could do to solve the problem if the school is going to do it. Maybe we need to put the restriction of time like 1 year.

WARREN The school is under construction now?

JOHNSON Yes.

MCKAY Two years from the time of platting or completion of the school?

JOHNSON Platting.

JOHNSON moved, **MARNELL** seconded the motion, and it carried (12-0).

3-5. **SUB2002-00113 – One-Step Final Plat –RANDY’S REPAIR ADDITION, located west of Ridge Road, on the north side of 53rd Street North.**

- A. Since neither sanitary sewer nor municipal water is available to serve this property, the applicant shall contact **County Code Enforcement** to find out what tests may be necessary and what standards are to be met for approval of on-site sewerage and water wells. A memorandum shall be obtained specifying approval. **A restrictive covenant is required that prohibits non-domestic wastes on the site until public sewer is available. In accordance with the zone change approval, if additional sewer facilities are needed, an alternative sewer system shall be used.**
- B. This site is located over the Equus Beds aquifer. The **Equus Beds Management District** needs to comment on the use of on-site sewage facilities for this property.
- C. **City Water and Sewer Department** requests a petition for future extension of sanitary sewer and City water services.
- D. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- E. **County Engineering** needs to comment on the status of the applicant’s drainage plan. **The plat shall establish 1344’ for the first floor elevation for new structures. The west 30 feet is requested to be dedicated as floodway reserve and referenced in the plat’s text.**
- F. **County Engineering** needs to comment on the access controls. The plat proposes two access openings along 53rd St. North. The final plat shall reference the dedication of access controls in the plat’s text. **A restrictive covenant shall be submitted that requires closure of the west driveway upon the widening of 53rd St. North or a conversion of the vehicle repair facility to a new use.**
- G. On the final plat, the MAPC signature block needs to reference “Bernard A. Hentzen, Chair”.
- H. A Protective Overlay Certificate shall be submitted to MAPD prior to City Council consideration, identifying the approved Protective Overlay (referenced as P-O #115) and its special conditions for development on this property.
- I. **County Surveying** requests that the dimensions on south line of Lot 1 be corrected.
- J. The plat’s text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- K. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- L. The applicant’s engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary’s signature.
- M. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- N. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant’s responsibility to contact all appropriate agencies to determine any such requirements.
- O. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.
- P. Perimeter closure computations shall be submitted with the final plat tracing.
- Q. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- R. The representatives from the **utility companies** should be prepared to comment on the need for any additional utility easements to be platted on this property.
- S. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD. This will be used by the City and County GIS Department.

MOTION: To approve, subject to staff comments and citing the findings in their report.

WARNER moved, **BISHOP** seconded the motion, and it carried (12-0).

**3-6. SUB2002-00094 – One-Step Final Plat –NORTHEAST WICHITA ELVATED STORAGE TANK ADDITION,
located on the north side of 53rd Street North, east of Rock Road.**

- A. This plat will be subject to approval of the associated Conditional Use and any related conditions. Prior to this plat being considered by MAPC, the Conditional Use will need to be approved.
- B. Sanitary sewer services will not be needed. City Environmental Health has requested a restrictive covenant that prohibits the usage of on-site sewerage on the site.
- C. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- D. City Engineering needs to comment on the status of the applicant's drainage plan. The drainage plan is approved.
- E. County Engineering has requested additional right-of-way along 53rd St. North. The Access Management Policy requires a 60-ft half-street right-of-way width along rural arterials. A 60-ft right-of-way along 53rd St. North is required.
- F. County Engineering has requested complete access control along 53rd St. North.
- G. County Engineering requests a dedication of 35 feet half street right-of-way along the east line of the plat.
- H. GIS has requested that the new street be named "Ironwood."
- I. The Applicant is advised that if platted, the building setbacks must be a minimum of 85 feet from the centerline of 53rd St. North to conform with the Zoning setback standard for County section line roads.
- J. The applicant shall submit a copy of the instrument which establishes the pipeline easements on the property, which verifies that the easements shown are sufficient and that utilities may be located adjacent to and within the easements. Any relocation, lowering or encasement of the pipeline, required by this development, will not be at the expense of the City.
- K. The applicant's agent shall determine any setback requirements for the pipelines by researching the text of the pipeline agreements. If a setback from the pipeline easements is provided for in the pipeline easement agreements, it shall be indicated on the face of the plat.
- L. The Applicant has indicated a blanket easement for the area involved in this plat. The Applicant shall either obtain a release of this easement or provide proof that the easement has been confined. If confined, any portion of this easement impacting this site shall be denoted on the plat and shall be properly referenced. A recorded copy of the release/confinement of the easement shall be submitted.
- M. For the pipeline easement located along 53rd North, the final plat shall include in the labeling of the easement the name of the company benefiting from the easement agreement.
- N. On the final plat tracing, the MAPC signature block needs to reference "Michael E. Lindebak, Secretary".
- O. On the final plat tracing, the MAPC signature block needs to reference "Bernard A. Hentzen, Chair".
- P. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- Q. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- R. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- S. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- T. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- U. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.

- V. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.
- W. Perimeter closure computations shall be submitted with the final plat tracing.
- X. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- Y. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property.
- Z. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD. This will be used by the City and County GIS Department.

MOTION: To approve, subject to staff comments and citing the findings in their report.

WARNER moved, **BISHOP** seconded the motion, and it carried (12-0).

3-7. DED2002-00037 – Dedication of a Drainage Easement, from David and Judy A. Cansler, for property located on the northeast corner of 58th Street South and Seneca.

OWNER/APPLICANT: David and Judy Cansler, 4714 W. 55th Street South Wichita, KS 67215

AGENT: Terra Tech Land Surveying, C/O Michele Webster, 22200 W. 63rd Street South, Viola, KS 67149

LEGAL DESCRIPTION: The east 60 feet of the west 330 feet of the north half of Lot 2, Bone's South Seneca Gardens Addition, Sedgwick County, Kansas, together with that part of vacated Bone's Drive adjoining on the North, except the south 60 feet.

PURPOSE OF DEDICATION: This Dedication is a requirement of Lot Split No. SUB 2002-100 and is being dedicated construction, maintenance and repair of a drainage channel.

Planning Staff recommends that the Dedication be accepted.

MOTION: To approve, subject to staff comments and citing the findings in their report.

WARNER moved, **BISHOP** seconded the motion, and it carried (12-0).

3-8. DED2002-00038 – Dedication of a Utility Easement, from Andrew L. Bias, for property located on the north side of Second Street, west of West Street.

OWNER/APPLICANT: Mennonite Housing, C/O Andrew L. Bias, President and CEO, 1245 N. Topeka, Wichita, KS 67214

AGENT: Don Armstrong, Armstrong Land Survey, P.A., 205 Mathewson, Wichita, KS 67214

LEGAL DESCRIPTION: The east 2 feet of the west 145 feet of Lot 10, Block 14, Parkwilde Addition to Wichita, Sedgwick County Kansas.

PURPOSE OF DEDICATION: This Dedication is a requirement of Lot Split No. SUB 2002-96 and is being dedicated construction and maintenance of public utilities.

Planning Staff recommends that the Dedication be accepted.

MOTION: To approve, subject to staff comments and citing the findings in their report.

WARNER moved, **BISHOP** seconded the motion, and it carried (12-0).

Items 4-1 through 4-2 may be taken in one motion, unless there are questions or comments.

4-1. VAC2002-00036 - Request to Vacate a Utility Easement.

OWNER/APPLICANT: USD 259 c/o Joe Hoover

AGENT: Ruggles & Bohn c/o Tom Ruggles

LEGAL DESCRIPTION: See attached dedication and exhibit

LOCATION: Generally located northwest of the Waco – 13th Street North intersection, 439 West 14th Street North.

REASON FOR REQUEST: Build on property.

CURRENT ZONING: Subject property is zoned GO General Office. Properties to the east and south are zoned LC Limited Commercial. Property to the west is zoned LC Limited Commercial and B Multi-family. Properties to the north are zoned MF-29 & B Multifamily and TF-3 Duplex.

USD 259, as part of an expansion and improvement to North High School, proposes to build a school building on what is now a parking lot for the High School. The building will encroach over the 20-foot sewer easement located on the north 150.6-feet of Lot 1, Dillon 9th Addition. The Dillon 9th Addition was recorded with the Register of Deeds 11-18-1982 and the sewer easement was recorded with the Register of Deeds 06-06-1983. North High School is recognized as a Historic Regional Site.

Staff recommends approval of the vacation request noting that any encroachment into the platted setbacks would require a vacation and reserving comment from the private and public utility representatives on the acceptability of this vacation and if any guarantees, substitute easements and/or dedications should be required.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, by publication in the Wichita Eagle of notice of this vacation proceeding one time October 17, 2002, which was at least 20 days prior to this public hearing.
 2. That private rights will not be injured or endangered by the vacation of the above-described sewer easement dedicated by separate instrument, and the public will not suffer loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be approved.
- B. Therefore, the vacation of the sewer easement dedicated by separate instrument described in the petition should be approved subject to the following conditions:

This project has been completed and approved by the Public Works Engineer

MOTION: To approve, subject to staff comments and citing the findings in their report.

MCKAY moved, **COULTER** seconded the motion, and it carried (12-0).

4-2. VAC2002-00037 (Associated with ZON2002-00059) - Request to Vacate a Building Setback.

OWNER/APPLICANT: Gray Development c/o Billy Grey

AGENT: Baughman Company c/o Terry Smythe

LEGAL DESCRIPTION: The north 20-feet of the platted setback that runs parallel to the south property line of Lot 1, Block A, Wheatland Commercial Addition, as shown on Exhibit A.

LOCATION: Generally located southwest of the Hoover Street – Mac Arthur Street intersection.

REASON FOR REQUEST: The applicant proposes to rezone south 45-feet of property.

CURRENT ZONING: Subject property and properties to the north & east are zoned LC Limited Commercial. Properties to the north, south and west are zoned SF-5 Single Family Residential.

The applicant is requesting consideration for the vacation of the north 20-feet of the platted setback as recorded on Lot 1, Block A, Wheatland Commercial Addition. The applicant has applied to rezone, ZON02-59, the south (+) 47-feet of the property LC Limited Commercial to match the rest of Lot 1; Lot 1 is a total of approximately 4.5 acres. The platted setback is irregular in its depth, going from 41.84-feet on its southwest corner to 47.77-feet on its southeast corner. The Wheatland Commercial Addition was recorded with the Register of Deeds 06-28-2001. The zoning of the property was part of a 1958 County initiated rezoning, which created 600-foot (x) 600-foot commercial nodes on selected section line road intersections. The applicant's property is approximately (+) 47-feet longer than the commercial node along Hoover

Street at this section line road intersection. The property abutting the south end of the applicant's property, where the proposed vacated setback is located, is zoned SF-5 and developed as single family residential.

Based upon information available prior to the public hearings, planning staff recommends approval to vacate the platted setback with the condition that the platted setback be replaced with the 25-foot compatibility setback, per the UZC's Section IV.C.4. (see attachment).

A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:

1. That due and legal notice has been given by publication as required by law, by publication in the Wichita Eagle of notice of this vacation proceeding one time October 17, 2002, which was at least 20 days prior to this public hearing.

2. That private rights will not be injured or endangered by the vacation of the above-described portion of the platted setback, and the public will not suffer loss or inconvenience thereby.

3. In justice to the petitioner, the prayer of the petition ought to be approved.

B. Therefore, the vacation of the portion of the platted setback described in the petition should be approved subject to the following conditions:

(1) Vacate all of the platted setback described in petition and replace it with 25-foot compatibility setback, per the UZC's Section IV.C.4.

(2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.

(3) All improvements shall be according to City Standards.

MOTION: To approve, subject to staff comments and citing the findings in their report.

MCKAY moved, **COULTER** seconded the motion, and it carried (12-0).

5a. Case No. ZON2002-00058 (Associated with CUP2002-00040 DP243 #1) – Smithmoor Associates c/o Grant Tideman, Managing Partner (owner); PEC, PA c/o Rob Hartman (agent) request a zone change from "GO" General Office to "NR" Neighborhood Retail on property described as:

AND

5b. Case No. CUP2002-00040 DP243 #1 (Associated with ZON2002-00058) Smithmoor Associates c/o Grant Tideman Managing Partner (owner); PEC, PA c/o Rob Hartman (agent) request an Amendment to the Smithmoor Commercial Community Unit Plan on property described as:

The North 265.00 feet of Lot 1, Block A, Smithmoor Commercial Addition to Wichita, Sedgwick County, Kansas except the West 190.00 feet. Generally located On the south side of Harry approximately 200 feet east of Smithmoor Street.

BACKGROUND: The applicant is proposing to amend DP-243 Smithmoor Commercial Community Unit Plan and rezone Parcel 10, which is 0.9 acre in size, from "GO" General Office to "NR" Neighborhood Retail. The amendment would permit neighborhood retail uses.

The applicant did not request any additional changes to the C.U.P. except that the parcel would be permitted "NR" signage. Currently the Wichita Sign Code is identical for "GO" and "NR" so this would not represent an actual change in permitted signage. The C.U.P. requires uniform architectural design. The Weigand real estate office has established design precedence, and any building on this site would be required to follow its precedence. The parcel description does not specify the number of buildings permitted. A preliminary site plan submitted with the application showed one commercial building as a prototype. Other existing requirements of the C.U.P. include pedestrian circulation and screening of trash and service areas and rooftop equipment. The C.U.P. requires cross-lot circulation between Parcels 1, 10 and 11 and limits these parcels to one joint access point onto Harry and no access onto Smithmoor Street.

Neighborhood Retail is considered a more intensive zoning district than "GO" General Office because it allows general retail and restaurants, subject to size limitations on both types of uses and prohibiting drive-in and drive-through restaurants. It omits a number of uses permitted in "GO" including hotels and funeral homes, as well as some of the residential and public and civic uses.

Parcel 10 is part of a 24-acre community unit plan that is approved for development of on the southwest corner of Harry and Greenwich. The adjoining parcel to the west, Parcel 1, is zoned "GO" and is developed with a real estate office. Parcel 11 to the south is zoned "GO" also, but is vacant. The remainder of the C.U.P. to the east is zoned "LC" Limited Commercial. The land west of Smithmoor Street is already developed with single-family homes and is zoned "SF-5" Single-family. The land to the south of the C.U.P. is currently under development with single-family homes and is zoned

"SF-5". The property to the north of Harry is held in large acreages and is zoned for residential use ("SF-5" and "SF-20" Single-family).

CASE HISTORY: The property is platted as a portion of Lot 1, Smithmoor Commercial, recorded January 6, 2000. DP-243 was approved August 24, 1999.

ADJACENT ZONING AND LAND USE:

NORTH:	"SF-20", "SF-5"	Undeveloped, suburban
EAST:	"LC"	Vacant
SOUTH:	"GO", "SF-5"	Vacant, single-family housing under development
WEST:	"GO", "SF-5"	Office, single-family residences

PUBLIC SERVICES: Transportation access is via Harry, a recently improved four-lane arterial street. Current traffic flow in 2002 on Harry was 7,736 average daily traffic volumes. Projected ADT for 2030 was 14,000 cars per day.

Other normal municipal services are available.

CONFORMANCE TO PLANS/POLICIES: The "Wichita Land Use Guide, as amended January 2002" of the *199 Update to the Wichita-Sedgwick County Comprehensive Plan* shows the subject parcel plus Parcels 1 and 11 for "office" use and the remainder of DP-243 to the east as "commercial". **Commercial/Office Objective III.B** encourages "future retail/commercial areas which complement existing commercial activities, provide convenient access to the public and minimize detrimental impacts to other adjacent land uses", with **Strategy III.B.1** seeking to channel new strip commercial uses to areas identified on the "Wichita Land Use Guide", and **Strategy III.B.2** seeking to integrate out parcels to planned centers through shared internal circulation, combined signage, similar landscaping and building materials, and combined ingress/egress locations. **Strategy III.B.3** seeks to reduce access points along arterial streets. The proposed C.U.P. is in general conformance with these strategies.

The **Commercial Locational Guidelines** of the Comprehensive Plan recommends office sites adjacent to arterials and should have site design features that limit noise, lighting, and other activity from adversely impacting surrounding residential areas.

The use of Parcel 1 (the Weigand office) is in conformance with **Strategy III.B.1**. The office designation of this parcel conforms to the Office Locational Guideline #4, "Low-density office use can serve as a transitional land use between residential uses and higher intensity uses."

RECOMMENDATION:

The proposed change to "NR" Neighborhood Retail would be one step greater in intensity than "GO", but still restrict the size of retail and the size of restaurants plus eliminate drive-in/drive-through activities. The parcels closest to "SF-5" would remain office to act as a buffer to the nearby residential. Based on these factors and information available prior to the public hearing, Staff recommends the application be APPROVED subject to the following conditions:

1. An additional ten feet of right-of-way shall be dedicated along Harry to conform to existing right-of-way widths for arterials.
2. Parcel 10 shall be permitted one building.
3. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the Governing Body, and any substantial deviation of the Plan, as determined by the Zoning Administrator and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
4. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
5. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
6. The applicant shall submit 4 revised copies of the C.U.P. to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Parcel 10 is part of a 24-acre community unit plan that is approved for development on the southwest corner of Harry and Greenwich. The adjoining parcel to the west, Parcel 1, is zoned "GO" and is developed with a real estate office. Parcel 11 to the south is zoned "GO" also, but is vacant. The remainder of the C.U.P. to the east is zoned "LC" Limited Commercial. The land west of Smithmoor Street is already developed with single-family homes and is zoned "SF-5" Single-family. The land to the south of the C.U.P. is currently under development with single-family homes and is zoned "SF-5". The property to the north of Harry is held in large acreages and is zoned for residential use ("SF-5" and "SF-20" Single-family).

2. The suitability of the subject property for the uses to which it has been restricted: The property is suitable for the types of uses allowed in the "GO" General Office district and could be developed as currently zoned.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: General retail and restaurant uses add a retail component to use of the site. The scale of these activities would be limited because no single retail use can be greater than 8,000 square feet and restaurants can be no greater than 2,000 square feet. Total floor area for the parcel is limited to 11,542 square feet due to the 0.3 floor area ratio already authorized for the parcel.
4. Length of time the property has remained vacant as zoned: The property has been vacant two years since it was platted.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The requested change is not in conformance with the "office" designation on *Comprehensive Plan* for this parcel, but is in conformance with the "commercial" designation for the remainder of DP-243 to the east. Transitional office parcels remain to the west and south to serve as a buffer.
6. Impact of the proposed development on community facilities: The proposed changes may increase traffic volumes depending on the composition of actual uses (restaurants and banks generate more traffic than specialty retail or office) but not beyond the capacity of the four-lane arterial street.

DONNA GOLTRY, Planning staff presented staff report.

WARREN Where is the Weigand office?

GOLTRY On Parcel 1.

ROB HARTMAN, PEC We are in agreement other than condition number one. This slide is a year old. We have a joint access here. We are objecting to the 60-foot (half-width from centerline) right-of-way because it will cut into our parking lot. The cost—it would have to be torn out and relocated. We are not trying to change the plat. Harry Street is new. Everything is like only a year old. We want 50 feet. We are not creating any additional traffic; it would be a hardship on the owner to tear out the access now.

WARREN If you have 25 foot already? You have 50-foot street?

HARTMAN Yes, four lanes.

JOHNSON 100 foot of right-of-way in that?

BISHOP I know that when Smithmoor, and some of this (indicating the Smithmoor CUP) along here was approved by MAPC about two years ago. I thought there would be a bike lane there. When the construction happened, there is not a bike lane, but the extra wide sidewalk. Is it to serve as a bike lane?

HARTMAN I think so. There is a 10-foot sidewalk there, and normally they are only 5 foot sidewalks.

HENTZEN The Weigand property is on the west side of this, and it has a 50-foot right of way, and the property to the east has?

HARTMAN No, to the east is 60 foot.

HENTZEN Have you seen the City or County ever approve paying the owner the land that we are taking?

GOLTRY Yes, many times for right-of-way.

HENTZEN I mean things that have come before the MAPC.

GOLTRY That is different.

MCKAY We are talking about Parcel 10 only, right?

GOLTRY That is right. Just Parcel 10 to have the correct 60 feet for the future.

MCKAY Doesn't the property in Smithmoor (indicating the residential neighborhood to the west of the CUP) have a smaller right-of-way?

GOLTRY I can't tell it from this map. It has a big drainage ditch.

MCKAY Harry Street right-of-way is wider than this.

GOLTRY It is only 60 feet from centerline.

MCKAY I am talking about the frontage of the lot. The drainage runs to the back of those houses. That is not going to change. I see no need for the additional 10 feet.

JOHNSON The lots to the east of this (indicating the remainder of the CUP zoned LC) have 60 feet right-of-way, and that was platted at the same time with this lot at 50?

GOLTRY I believe they did ask for 60, and they only got approved for 50.

MILLER We have the "Access Management Policy" in place now.

WARREN I would hope that we should look at that "Access Management Policy," and apply it to the newer plats and not the older ones, and create the hardship.

MOTION: To approve subject to staff recommendations, except to delete the request for an additional 10 feet right-of-way. The recommendations are as follows:

1. Parcel 10 shall be permitted one building.
2. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the Governing Body, and any substantial deviation of the Plan, as determined by the Zoning Administrator and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
3. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
4. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
5. The applicant shall submit 4 revised copies of the C.U.P. to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

BISHOP I am going to support the motion. But I want to point out that each time we have had a case with "Access Management Policy" involved we generally stray from the policy, and this is another exception.

WARREN This is a difference because this has been platted, and why should the policy be allowed to create a hardship on the older ones?

WARREN moved, **MCKAY** seconded the motion, and it carried (11-0).

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6. **Case No. ZON2002-00060** – Jay Storey (owner) request a zone change from "B" Multi-family Residential and "LC" Limited Commercial to "OW" Office Warehouse on property described as:

Reserve B, except the South 255.09 feet thereof, Ken-Mar Addition to Wichita, Sedgwick County, Kansas.
Generally located at the southeast corner of 14th Street North and Terrace

BACKGROUND: The applicant requests "OW" zoning on a vacant 1.83-acre platted site located south of 14th Street North, between Terrace and Pershing. The northern half of the site is zoned "B", and the southern half is zoned "LC". North of the application area is "SF-5" zoned properties developed with single-family residences. South of the application area are "LC" and "GC" zoned properties developed with retail, service, and restaurant uses. East of the application area is property zoned "B" and "LC", and developed with strip commercial uses and associated parking. West of the application area is property zoned "LC" and "GC"; this area is developed with a shooting range and a retail furniture store. The application area is intended to house a warehouse facility for the furniture store to the southwest of the application area. The warehouse facility anticipates truck deliveries averaging fewer than two trucks per day on weekdays only, an average of 50 retail customer pickups on weekdays, an average of 100 retail customer pickups on Saturdays, and an average of 17 deliveries to customers daily. The proposed development would require conformance to all property development standards in the *Unified Zoning Code*.

CASE HISTORY: The application area was platted as a part of Reserve B of the Ken-Mar Addition in 1950.

ADJACENT ZONING AND LAND USE:

NORTH:	"SF-5"	single-family homes
SOUTH:	"GC", "LC"	retail, service, restaurant
EAST:	"LC", "B"	parking, retail
WEST:	"GC", "LC"	shooting range, furniture store

PUBLIC SERVICES: The property is located south of 14th Street North, between Terrace and Pershing. 14th at this location is a paved, two-lane residential road with a 60-foot right of way. Both Terrace and Pershing are also paved, two-lane residential roads with 60-foot right of ways. No traffic counts are available for any of these streets. No plans exist within the CIP for improvements as each of these streets meet City right of way standards. The requested rezoning and subsequent development would increase truck traffic on 13th (1/2 block south) which would then access this site via Terrace. 13th has a four-lane, 70-foot right of way at this location, and carries 17,610 cars per day (ADTs). The projected traffic volume for 2030 is 19,700 cars per day; the CIP shows that 13th will be widened to 5 lanes in 2007. The applicant indicates that truck traffic would access the north end of the site from 13th and Terrace, and retail pickup would access the south end of the site – also via 13th and Terrace.

City water and sewer are available at the application area. Sidewalks exist on the west side of Terrace, across the street from the application area, and on the west side of Pershing, on the application area site. No sidewalk is available on the north side of the site, although ADA accessible sidewalk ramps exist at the northeast and northwest corners of the application area.

CONFORMANCE TO PLANS/POLICIES: The “Wichita Land Use Guide, as amended 1/02” of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies the application area as “Commercial”, reflecting the uses to the south and west. The Comprehensive Plan “Commercial Locational Guidelines” state that: “commercial development should have required site design features that limit noise, lighting and other aspects of commercial activity that may adversely impact surrounding residential land uses”; and “commercially-generated traffic should not feed directly onto local residential streets.” Several Objectives, Goals, and Strategies of the *Comprehensive Plan* apply directly to the physical development of the application area.

The *Unified Zoning Code* states that the “OW” district is “primarily intended to accommodate office and warehousing activities for the building trades and similar businesses with operating characteristics that do not require highly visible locations or the type of vehicular access needed for retail and high-intensity office development. The OW district is generally compatible with the ‘Commercial’ and ‘Industrial’ designations of the *Wichita-Sedgwick County Comprehensive Plan*.”

RECOMMENDATION: This request is in conformance with the *Comprehensive Plan* “Wichita Land Use Guide” and “Commercial Locational Guidelines.” As this property is developed, the *Unified Zoning Code* property development standards for screening, landscaping, noise and lighting should mitigate negative impacts on the residential properties to the north. Likewise, strategies of the *Comprehensive Plan* should ensure that site development is compatible with the adjacent neighborhood. Under the current “B” and “LC” zoning, the application area could be developed with a variety of uses; uses permitted under the current zoning could be of greater intensity and have more significant negative effects than the proposed warehouse.

An increase in truck and retail traffic on Terrace, and potentially on 14th and Pershing, would degrade Terrace, 14th, and Pershing as local, residential streets. Likewise, a warehouse building would require building and site design considerations to be compatible with the adjacent residential neighborhood. Because of these concerns, staff has met with the applicant to discuss an appropriate Protective Overlay to mitigate potential negative effects on the residential neighborhood north of the application area; the considerations of the Protective Overlay are discussed as follows:

The north boundary of the application area has sidewalk connections at both corners, but no sidewalk exists on either side of 14th at this location. Terrace Drive, which has a sidewalk, will become a less desirable pedestrian route with anticipated truck traffic. Pershing Avenue has a sidewalk along the east boundary of the application area. Staff recommends that the applicant install a sidewalk along the north boundary of the application area in order to maintain pedestrian access from the adjacent neighborhood to the commercial corner at 13th and Oliver, and in order to maintain pedestrian access to the institutional use (a church) at the intersection of 14th and Oliver. The *City of Wichita Sidewalk Ordinance* (No. 36-327) requires sidewalks “On all lots zoned or used for commercial, office or multi-family when such lots are not adjacent to an Arterial Street”; and, “Where plats requiring sidewalks are located on streets already built, sidewalks shall be built at the time development occurs on the lot.” Likewise, the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* has Objective E: “Promote pedestrian/bicycle-oriented improvements to create alternative transportation networks to major destination points in the City and County”. Strategies to meet this objective of the plan include: V.E.1 “Increase the convenience of pedestrian/bicycle access to and within commercial and employment areas”, and V.E.6 “Connect adjacent subdivisions with walkways to enhance pedestrian/bicycle coordination”.

The *Unified Zoning Code* screening standards require screening on the north boundary of the application area, and on the east boundary where adjacent to residential zoning. The applicant has indicated a desire to meet the screening requirement with evergreen landscaping. The City of Wichita Landscape Ordinance requires a 15-foot landscaped street yard on the north and east boundaries of the application area where adjacent to residential zoning.

As the applicant intends to develop the site with southern access via Terrace, the City of Wichita Traffic Engineer has indicated that a 40-foot sight triangle would be required from the 14th and Terrace intersection to an access point on Terrace. Also, the Traffic Engineer would require a site plan demonstrating turning radii for anticipated truck traffic and queuing space on the site – ensuring that Terrace will remain passable.

The applicant indicated a desire to use a masonry and/or concrete exterior building material; staff recommends that the proposed warehouse not be of a metal exterior material because of close proximity to a single-family neighborhood. The *Unified Zoning Code* requires screening of loading docks from residentially zoned areas, staff recommends that loading docks on this site be screened from residentially zoned areas with a masonry screen wall.

Based upon information available prior to the public hearings, planning staff recommends that the zone change request be APPROVED, subject to proposed PO #118:

1. The applicant shall construct a sidewalk, to City of Wichita standards, in the right of way on 14th Street along the north boundary of the site, connecting with the existing ADA sidewalk ramps. The applicant shall provide a guarantee for the sidewalk in a form suitable to the City Engineer within 60 days of approval of the zone change by the governing body.
2. The applicant shall submit a Landscape Plan to be approved by the Planning Director. The Landscape Plan shall demonstrate the landscaped street yard required by the Landscape Ordinance where adjacent to residential zoning. The landscaped street yard shall meet screening requirements where adjacent to residential zoning with a minimum of one tree every 30-feet, all trees shall be designated as species which will reach a mature height of 40-feet, and at least one-half of the tree requirement shall be met with evergreen trees.
3. The applicant shall submit a site circulation plan to be approved by the Traffic Engineer. The circulation plan shall demonstrate intersection site triangles at a minimum of 40 feet, and turning radii and queuing space for anticipated truck traffic, ensuring that Terrace will remain passable.
4. Buildings on the site shall be of a masonry and/or concrete exterior building material, and shall not exceed 35-feet in height. Mechanical equipment on the site shall be screened from adjacent residential zoning. Lighting on the site shall be shielded away from residential zoning. No signage shall be permitted on the north or west boundary of the site where adjacent to residential zoning.
5. Loading docks on the site shall be screened from adjacent residential zoning with screen walls between 6 and 8 feet in height, and of the same materials and colors as the primary building. No outdoor work or storage areas shall be permitted on the site along 14th Street or Pershing Avenue.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The neighborhood is a mixture of single-family zoning and uses to the north of the application area, and "LC" and "GC" zoning to the south with retail, service, and restaurant uses. Property to the east is zoned "B" and "LC", and developed with strip commercial uses and associated parking. West of the application area is property zoned "LC" and "GC", this area is developed with a shooting range and a retail furniture store. The proposed "OW" use is in character with the surrounding commercial uses. The proposed "OW" use, with the provisions of the recommended Protective Overlay, should not be out of character with the adjacent residential neighborhood.
2. The suitability of the subject property for the uses to which it has been restricted: The vacant property could be developed with multi-family housing and/or parking within the existing "B" zoning, and permitted "LC" uses within the existing "LC" zoning.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Many permitted uses under the current "LC" zoning could be more intensive, and have greater negative effects on nearby single-family residences than the proposed warehouse project. The *Unified Zoning Code* property development standards for compatibility setbacks, screening, landscaping, noise, and lighting should mitigate any negative impacts on the nearby residential properties to the north. Likewise, the proposed Protective Overlay should ensure that the development does not detract from the adjacent single-family neighborhood.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The requested zoning change is in conformance with the *Comprehensive Plan* "Wichita Land Use Guide". The proposed Protective Overlay should ensure that a warehouse project at this site meets the standards of the "Commercial Locational Guidelines" and other goals of the *Comprehensive Plan*; the PO should also ensure that the standards of the *Unified Zoning Code*, *Landscape Ordinance* and the *Sidewalk Ordinance* are met.
5. Impact of the proposed development on community facilities: The proposed "OW" use at this location will generate more truck traffic, but less overall traffic than the site could potentially generate under the current "B" and "LC" zoning. The proposed Protective Overlay should ensure that the site is developed in a way that mitigates the negative effects of truck traffic on the surrounding neighborhood. The PO should ensure that nearby motorists and pedestrians maintain their current level of accessibility throughout the neighborhood.

MOTION: To approve, subject to staff comments and citing the findings in their report.

JOHNSON moved, **MARNELL** seconded the motion, and it carried (11-0).

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7. **Case No. ZON2002-00059 (Associated with VAC2002-00037)** – Bill Bray (owner); Baughman Company, PA, Terry Smythe (agent) request a zone change from "SF-5" Single-Family Residential to "LC" Limited Commercial on property described as :

That part of Lot 1, Block A, Wheatland Commercial Addition, Wichita, Sedgwick County, Kansas described as follows: Beginning at the SE corner of said Lot 1; thence N 89 degrees 59'06" W along the south line of said Lot 1, 549.97 feet to the SW corner of said Lot 1; thence N 00 degrees 00'00" E along the West line of said Lot 1, 41.84 feet to the intersection with a building setback line as platted in said Wheatland Commercial Addition; thence N 89 degrees 23'50" E along said building setback line, 550.00 feet to the intersection with the east line of said Lot 1, said intersection being 47.77 feet northerly of the SE corner of said Lot 1; thence S 00 degrees

00'00" E along the east line of said Lot 1, 47.77 feet to the point of beginning. Generally located West of Hoover and south of MacArthur.

BACKGROUND: The applicant requests "LC" zoning on a vacant .62-acre strip of land (42 feet by 450 feet) located west of Hoover and south of MacArthur, along the southern boundary of the "LC" zoned Wheatland Commercial Addition. The entire Wheatland Commercial Addition is currently undeveloped; this zone change application is associated with a request to vacate the platted 42-foot building setback located along the south boundary of the Addition.

The applicants intend to develop the application area with limited commercial uses. Northwest of the application area is an "LC" zoned medical clinic; north of the application area, across MacArthur, is an "LC" zoned gas station/convenience store/liquor store. South and West of the application area is an "SF-5" zoned and developed subdivision. East of the application area is an "LC" zoned corner developed with two farmhouses; these farmhouses are part of a larger 81-acre tract, zoned "SF-20" and "RR", and under agricultural production.

The proposed zone change, from "SF-5" to "LC," and the proposed development, would require conformance to all property development standards in the *Unified Zoning Code*. These development standards would include a 25-foot compatibility setback from the south property line at the application area.

CASE HISTORY: The application area was platted as the Wheatland Commercial Addition in June of 2001.

ADJACENT ZONING AND LAND USE:

NORTH:	"LC"	convenience/liquor store/gas station, medical clinic
SOUTH:	"SF-5"	single-family homes
EAST:	"LC", "RR", "SF-20"	single-family homes, agriculture
WEST:	"SF-5"	single-family homes

PUBLIC SERVICES: The property is located west of Hoover and south of MacArthur. Hoover at this location is a paved, two-lane section line road with a 40-foot half-width right of way. The *2030 Transportation Plan* designates this section of Hoover to remain a two lane arterial road; the CIP shows no future plans for this section of Hoover. The traffic count in July of 2000 along this section of Hoover was 3390 cars per day (ADTs); the projected traffic volume for 2030 is 8440 cars per day.

MacArthur at this location is a paved, two-lane section line road with a 40-foot half-width right of way. The *2030 Transportation Plan* designates this section of MacArthur to become a four lane arterial road, the CIP shows no future plans for this section of MacArthur. The traffic count in July of 2000 along this section of MacArthur was 5472 cars per day (ADTs); the projected traffic volume for 2030 is 12,152 cars per day.

City water and sewer are available at the application area. Open drainage swales serve the application area along Hoover. A 10-foot utility easement exists along the south boundary of the application area, and a 95-foot pipeline right of way straddles Hoover on the east boundary of the application area.

CONFORMANCE TO PLANS/POLICIES: The "Wichita Land Use Guide, as amended 1/02" of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this strip of land as "Low Density Residential"; however, the application area is contiguous with land designated as "Commercial." At the intersection of two section line roads, this request is in conformance with the *Comprehensive Plan* "Commercial Locational Guidelines."

RECOMMENDATION: This 42-foot wide strip of "SF-5" zoned property has little practical use under its current zoning, and this request is in conformance with the *Comprehensive Plan* "Commercial Locational Guidelines." As this property develops, the *Unified Zoning Code* property development standards for compatibility setbacks, screening, landscaping, and lighting will mitigate any negative impacts on the residential properties to the south. Because the requested rezoning would increase commercial property by .62 acres at this location, and because traffic at this location will likely increase with increased commercial development, planning staff recommends that right of way be dedicated at the application area on Hoover, bringing the right of way up to County standards for two-lane arterial roads. County Public Works has indicated a desire to increase half-width right of way on two-lane arterials to a standard of 70 feet.

Based upon information available prior to the public hearings, planning staff recommends that the zone change request be APPROVED, subject to dedication of 30 feet of right of way on Hoover at the application area.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Contiguous property to the north is already zoned "LC"; the application area is a part of this larger, mostly vacant arterial corner. Single-family residential zoning and developed uses abut the application area to the south and west. With the required development standards of the *Unified Zoning Code*, re-zoning of this strip should not be out of character with the neighborhood.
2. The suitability of the subject property for the uses to which it has been restricted: The vacant property would not be desirable for use as single-family housing, as currently zoned, because of its location relative to adjacent platted lots, lot configuration and dimensions, and an existing utility easement.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of "LC" zoning at the application area will allow for more intensive development than the current zoning permits. The *Unified Zoning Code* property development standards for compatibility setbacks, screening, landscaping, noise, and lighting should mitigate any negative impacts on the nearby residential properties to the south and west.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The requested zoning change is not in conformance with the *Comprehensive Plan* "Wichita Land Use Guide"; however, it is in conformance with the commercial locational guidelines of the plan.
5. Impact of the proposed development on community facilities: Proposed "LC" uses at this location will generate more traffic than the current vacant lot. The dedication of additional street right-of-way will address potential increased demand on community facilities.

MOTION: To approve, subject to staff comments and citing the findings in their report.

JOHNSON moved, **MARNELL** seconded the motion, and it carried (11-0).

8. Other matters/adjournment.

JAMSHEED MEHTA, Planning staff stated that the MPO had previously approved Transportation Enhancement project applications for 2004-2005 from Wichita, Sedgwick County and Mulvane. The City of Haysville is now requesting the MPO to review and approve its project so it may also apply for federal funds. Presents staff report and maps.

WARREN Does the City of Haysville own the right-of-way or easements?

DORNER Yes.

RANDY DORNER DIRECTOR OF PUBLIC WORKS CITY OF HAYSVILLE, P O BOX 404, HAYSVILLE, KS 67060
Shows map where the easements are and answers Commissioner Warrens question.

MOTION: To approve TE 2004-2005.

WARNER moved, **COULTER** seconded the motion, and it carried (12-0).

BISHOP I have a question for Jess about Item 6 even though we took the Item 6 the DAB did hear this and DAB wants a provision added. They want a provision to be added to the Protective Overlay requiring the application area to exceed the UZC parking requirement which requires one parking space per 2500 gross square feet of warehouse spaces. Jess did that get ironed out?

MCNEELY Yes that did get worked out with the applicant and the neighborhood.

The Metropolitan Area Planning Department informally adjourned at 2:25 p.m.

State of Kansas)
Sedgwick County) ^{ss}

I, Dale Miller, Assistant Secretary of the Wichita-Sedgwick County Metropolitan Area Planning Commission, do hereby certify that the foregoing copy of the minutes of the meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission, held on _____, is a true and correct copy of the minutes officially approved by such Commission.

Given under my hand and official seal this _____ day of _____, 2002.

Dale Miller, Assistant Secretary
Wichita-Sedgwick County Metropolitan
Area Planning Commission

(SEAL)